

**TOWN OF GILBERT
PLANNING COMMISSION - SPECIAL MEETING**

**Southeast Regional Library
Shakespeare Assembly Room
775 N. Greenfield Road, Gilbert, AZ
September 17, 2019**

COMMISSION PRESENT:

Brian Andersen, Chair
David Cavenee
Greg Froehlich
Brian Johns
Les Smith
Philip Alibrandi, Alternate

COMMISSION ABSENT:

Carl Bloomfield, Vice Chair
James Torgeson, Alternate

COUNCIL LIAISON PRESENT:

Brigette Peterson

STAFF PRESENT:

Amy Temes, Senior Planner
Eva Cutro, Planning Division Manager
Nancy Davidson, Assistant Town Attorney

ALSO PRESENT:

Adam Baugh, Withey Morris
Todd Skoro, Lennar, VP of Project Management
Ed Grant, Recker and Warner LLC

RECORDER:

Dana Desing

CALL TO ORDER OF REGULAR MEETING

Chair Brian Andersen called the Special Meeting of the Planning Commission to order at 6:04 p.m.

PLEDGE

Chair Andersen led the Pledge of Allegiance

ROLL CALL

Recording Secretary Dana Desing called roll and determined that a quorum was present.

1. Approval of Agenda:

Chair Anderson called for a motion to approve the agenda, consisting of one item.

MOTION: Commissioner Cavenee moved to approve the Agenda; seconded by Commissioner Froehlich.

Motion passed 6-0.

COMMUNICATIONS

2. Communication from Citizens:

At this time, members of the public may comment on matters within the jurisdiction of the Town but not on the agenda. The Commission/Board response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.

There were no requests to speak.

PUBLIC HEARING (NON-CONSENT)

Non-Consent Public Hearing items will be heard at an individual public hearing and will be acted upon by the Commission by a separate motion. During the Public Hearings, anyone wishing to comment in support of or in opposition to a Public Hearing item may do so. If you wish to comment on a Public Hearing Item you must fill out a public comment form, indicating the Item Number on which you wish to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Commission.

Chair Andersen opened the Public Hearing and invited staff to make a presentation.

- 3. GP18-09 NEC WARNER AND RECKER ROADS:** Request for Major General Plan amendment to change the land use classification of approx. 124.8 acres of real property generally located at the northeast corner of Recker and Warner Roads from 28.4 acres of Business Park (BP), 87.5 acres of Light Industrial (LI) and 8.9 acres of Community Commercial (CC) to 18.2 acres of Residential > 8-14 DU/Acre (R>8-14du/ac), 10.4 acres of Residential > 5-8 DU/Acre (R>58du/ac), 65.6 acres of Residential > 3.5-5 DU/Acre (R>3.5-5du/ac), and 30.6 acres of Light Industrial (LI) land use classifications.

Z18-19 NEC WARNER AND RECKER ROADS: Request to amend Ordinance Nos. 2261, 2378, and 2448 pertaining to the Rockefeller Group North Gateway Planned Area Development overlay zoning district (PAD) generally located at the northeast corner of Recker and Warner Roads by removing from the PAD approx. 124.8 acres of real property consisting of 87.5 acres of Light Industrial (LI), 28.4 acres of Business Park (BP), and 8.9 acres of Community Commercial (CC) zoning districts; creating the NEC Warner and Recker Roads PAD, approving a new development plan for the NEC Warner and Recker Roads PAD; and changing the zoning classification of said real property from 87.5 acres of LI, 28.4 acres of BP, and 8.9 acres of CC, all with a PAD to 30.6 acres of Light Industrial (LI), 18.2 acres of Single Family - Attached (SF-A), 30.0 acres of Single Family – Detached (SF-D), 19.5 acres of Single Family – 6 (SF-6) and 26.5 acres of Single Family – 7 (SF-7) zoning district, all with the new NEC Warner and Recker Roads PAD, as shown on the map available for viewing in the Planning Services Division; and to modify the development regulations as follows: reducing the minimum lot area in the SF-A zoning district, establishing minimum lot dimensions in the SF-A and SF-D zoning districts, increasing minimum lot depths in the SF-6 and SF-7 zoning districts, reducing minimum lot width in the SF-7 zoning district, reducing maximum heights in the SF-A, SF-D, SF-6 and SF-7 zoning districts, reducing front and rear setbacks in the SF-A and SF-D zoning districts, Increasing side setbacks in the SF-D zoning district, Reducing front setback in the SF-6 and SF-7 zoning districts, increasing lot coverage in the SF-A zoning district, reducing the rear setback in LI where adjacent to SF-A, allowing 2-story homes to back to land designated as R>14-25 du/ac and LI, and a reduction in the arterial intersection landscape setback along Recker Road. Amy Temes (480) 503-6729.

Senior Planner Amy Temes was standing in for Ashlee MacDonald for this meeting. This request is for a General Plan Amendment and rezoning at the northeast corner of Recker and Warner Roads. This item was brought to the Planning Commission and Town Council last winter, and Council had referred the item back to the Planning Commission for reconsideration. After a considerable amount of work with the applicant, the item was brought to the Planning Commission in July of 2019 for a study session. This is the first of two required public hearings for a major General Plan Amendment. The second public hearing is scheduled for October 2, 2019, at which time the Planning Commission will make their recommendation to Town Council.

The site is 124.8 acres at the northeast corner of Warner and Recker Road. The site is currently vacant. The surrounding uses include residential with Morrison Ranch to the west and north, General Commercial, Business Park and Light Industrial is planned to the east per the General Plan and is currently vacant, and infill

development has been happening to the south with a police station, and charter school, and there is interest from a home builder.

Maps were reviewed showing the existing and proposed General Plan designations. There is an existing church as well as multi-family adjacent to this parcel. The request is for 30.6 acres of Light Industrial and varying densities of residential from 8-14 to 3.5-5 DU/Acre. The same acreages are being requested for the proposed rezoning with Single Family-Attached (SF-A), two parcels of Single-Family-Detached (SF-D), Single Family-6 (SF-6) and Single Family-7 (SF-7) anchored by the Light Industrial along Warner Road to the east and southeast.

As part of the proposed Planned Area Development (PAD), several deviations are being requested. Under the FAA zoning, the applicant is reducing the lot size from 2,000 SF to 1,056 SF for the attached units. The reason there is 100% lot coverage is because the attached product has shared common open space and no real private yard. The building has a cantilever over the driveway apron, which by code needs to be either a 3-foot minimum or 20 feet, there is no in between. In order to have the cantilever, they need a zero setback. Lot dimensions are specified so that there will be a comfort level with the minimums and this will be limited to 2-story versus the allowed 3-story. The street frontage landscape requirement of 50 by 250 on both arterials would total 22,500 SF. An amendment is being requested to allow the total open space at the intersections to be equal to or greater than 22,500 SF. Staff would be agreeable to morphing a little from a rectangle shape, and there have been a number of amendments recently that have adjusted these areas. The standing rule is that it must meet or exceed the intent of the 50 by 250 requirement. Staff believes it may be 50 by 220 and 50 by 280 when it is platted out, although we want to allow some flexibility. Staff would agree to list that as a square footage requirement rather than an actual dimensional requirement.

Under the SF-D, Parcel B and E, lot dimensions are being specified for comfort level with requests to limit it to 2-story, 20' to front facing garage (which is standard for a driveway), 8' to livable, 5'5" side (where SF-D allows 0' and 5'), 5' to covered patio, and 15' rear yard setback. These requests are based on a specific product and staff has reviewed the product along with the application. With the SF-6, lot dimensions are being specified, limited to 2-story, 10' to livable, porch or side entry garage, and 20' front setback. There are PADs around town with very similar setbacks. The SF-7 lot dimensions are being specified for comfort level, with 20' to the front facing garage and 10' to livable, porch, or side entry garage.

The applicant is proposing a 20' buffer between Light Industrial and residential. That is being reduced because on the other side there is landscaping, parking and a road to provide additional buffers on the residential side. The Light Industrial is concept only and some of the buildings and parking may change a little. There is some flexibility in the future with what happens with the LI, although the residential pattern is being locked in. Staff has reviewed the residential component as to parking on the street, trash pickup, and other factors that may be issues with the preliminary plat to make sure there are no conflicts in the future.

This item is being presented for input only as the first of two public hearings. Staff would welcome Commission comments or questions on the overall development plan, General Plan Amendment, rezoning, or the deviations requested. This item will come back for a second public hearing on October 2 and will go to Town Council on October 17, 2019 with a recommendation from the Planning Commission. The applicant was in attendance to provide a presentation and answer any questions.

Chair Andersen asked for further details as to why this item was coming back before the Commission.

Ms. Temes clarified that there was some concern from Council about the lack of Light Industrial and there being no employment left on this huge section of land. There were comments from Councilmembers and staff that there should still be some LI here. As a result, the Commercial was removed from the corner and LI was added to get some employment back in.

Chair Andersen invited the applicant to make a presentation.

APPLICANT PRESENTATION

Adam Baugh, Withey Morris, PLC, Attorney representing the applicant, noted there were some lessons learned with the first submittal as well as some instruction and direction to properly land this case. He provided a layout of the General Plan from 2009 showing that the north half of site was zoned residential 5-8 DU/Acre with some Business Park on the south. The number of residential lots in the current submittal is still less than the amount of residential lots there could have been back in 2009. The prior owner of the property brought an Industrial plan with a Business Park component and a plan was approved. For the past 10 years, they were not able to find a user willing to develop within the constraints of that prior plan.

Last year, the Applicant brought a proposal based on the whole site going to residential. This Commission was in full support of that plan, although Council initially denied it and then reconsidered. He appreciated that consideration, as it allowed the applicant to conduct additional community building and stakeholder meetings with residents and the Chamber of Commerce. Town staff was instrumental in helping to put together the outlines of the plan we have today.

The requested change in the zoning category is about right sizing to what is appropriate for this site. There are some key factors to consider. Recker Road is a street with a residential character—it is not an employment or commercial corridor. The 202 Freeway is just south of this property, yet there is no direct access. There is a competitive disadvantage related to Opportunity Zones close to the site. There is significant residential on three sides with a key component to the Town, Morrison Ranch. We are one mile removed from Power Road and the Power Road Growth Area. Mr. Baugh reviewed each of these components in detail.

RECKER ROAD – Recker Road is primarily residential, it is much narrower than other arterials streets in the Town, and has a different character and feel. At one point, all the corners at the intersections were zoned Commercial. Over time, those areas were rezoned to residential with the Morrison Ranch development. The area south of Warner Road was developed with the Charter School. Little by little, those commercial corners have been picked off. It is just the pattern of the area. Recker is similar to Lindsay Road, which also has not developed with a commercial or employment category, even though it is an arterial. Recker Road dead ends at Pecos to the south and Baseline to the north. Users, shoppers, and developers choose more highly trafficked areas. Mr. Baugh described Recker as a school corridor as there are 8 schools between Baseline and Pecos Roads. There is only one commercial corner that has been successful at Guadalupe Road. Cooley Station plans to bring commercial on two corners and the intensity of the commercial that is planned and actively moving forward will be enough to absorb what is already planned along that road.

LACK OF FREEWAY ACCESS – There is no direct access from Recker Road even though the 202 Freeway is just to the south. That is a hurdle for developers. The site is 1.5 miles to the closest Freeway access.

OPPORTUNITY ZONES – These zones were created by the government in 2017 as a chance to create jobs and provide a tax incentive. Opportunity Zone properties must be held for 10 years, although capital gains tax can be waived providing up to 25% in cost savings. The Town's Opportunity Zone is in the Heritage Square. Mesa's Opportunity Zone is right across Power Road. It is hard to compete with a property right across the street that can attract users at a cheaper value as it can be offset with tax savings through the Opportunity Zone. That is a rather large consideration for this site.

RESIDENTIAL – There is residential on three sides of the site showing a pattern and a need to be compatible with that use.

POWER ROAD GROWTH AREA – The area west of Power Road is called the 180th Street alignment. Our site is a bit of an anomaly compared to the rest. There is amazing opportunity with that corridor and an industrial property next to it. It seems logical to include this site in that growth area. The prior owner had asked to rezone this property to industrial.

The prior site plan was commercial and residential, and it was a good land plan for anywhere else in the Town. The main concern from Council and staff was the loss of employment and office. There was also concern about

any impact that this residential will have on future development of the vacant land to the east, which is designated for Employment and Business Park. Council and staff were also looking for character, uniqueness, and connectivity with the surrounding areas. The applicant took those key considerations and started to build relationships with Town staff and the Chamber to work through those minor details and address Council's concerns.

The stakeholder feedback included a variety of concerns on both the industrial and residential components of the plan. The applicant met with industrial developers and designers to figure out a realistic land pattern for industrial as well as the potential for office. Through that process it was determined that we needed to make the industrial wider and deeper and to overpark to accommodate office. The current industrial parcel is 792' by 1965' to allow approximately 250,000 SF of building space. If there is no call for office, the parking requirement would be less and there could be more square feet. The truck movements will be internalized, so they are not backing up to residents, the driveways have been coordinated with the roads across the street and future alignments, and landscape buffers have been added. The site layout is layered from greater density to less density. The applicant worked with a consultant on modeling to understand the relationship between the buildings, parking spaces, loading zones, and landscaping in order to provide 75' between Light Industrial and Residential. Pathways and trail connections lead from all sides to the central park area. Staff requested that the off-street parking not stack up on the road impacting trash pickup. A parking plan was developed that will provide all the guest parking required by code and take vehicles off the street on trash and recycle pick up days.

Lennar strives to create something special through their product and developed NextGen, or a home within a home. These products are designed with an independent living space within the home with a separate doorway to provide multigenerational living options to accommodate elderly parents or adult children. Lennar also provides fully automated residential plans. Warner Meadows recognizes the agrarian character of the area and is designed with a refined rustic feel interconnected through trails to an activated central park. In order to create something that is unique and identifiable, the plan includes common open space, recreation areas for young and old, and pool and fitness areas to provide active and recreational amenities where neighbors can relax and interact. The dramatic entry features were designed to catch the eye and create a dynamic identity leading to a central open boulevard.

The Power Road Growth Area, although purposeful, is without distinction. Mr. Baugh believes this proposal is the solution by setting aside 30.6 acres in an area most likely to develop along the Warner Road frontage. The industrial users, designers, and brokers need window frontage, and providing that along Warner Road makes it far more likely to develop than if it were on the eastern side. Placing industrial in this area almost commits the land to the east to follow suit.

In summary, this plan provides 30 acres of employment in an area most likely to develop and a frontage most likely to reach the arterial of the freeway interchange. It is right sized to fit the character of the surrounding uses and creates a unique community not normally seen in Gilbert. Recker Road is really a residential neighborhood and character with a school emphasis. This plan does not change the nature of Recker Road, but it does promote the future of Warner Road and more importantly, provides a missing link to Power Road. This plan does support the goals and policies of the Power Road Growth Area and the General Plan.

QUESTIONS/COMMENTS FROM THE COMMISSION:

Commissioner Les Smith liked the multi-use feature of the parcel and felt it was applied well. He was curious as to how the applicant saw this developing and where that was expected to begin.

Mr. Baugh felt the problem they have in Gilbert is that they are a victim of their own success. At some point, Gilbert will become no longer affordable. Even our police officers find it hard to own a home in Gilbert. This community has single-family attached town homes, motor court units, and graduated single-family homes. Those options allow people to buy in Gilbert and over time invest and move up. As far as what development will come first, he referred to a Lennar representative.

Todd Skoro, Vice President of Land Project Management with Lennar, stated in terms of phasing, they would basically create all of the residential, attached and detached, as a single phase. All five product lines will be sold concurrently. The Light Industrial will come along as the market dictates.

Chair Andersen noted that this has been zoned Light Industrial for many years and the market really has not dictated to develop that yet. What if that does not change?

Mr. Baugh stated if the market doesn't change, they will be back in front of the Planning Commission with another request. He does not intend for that to happen.

Commissioner Froehlich asked how long the industrial would be given the chance to grow and develop.

Mr. Baugh noted that the difference between last year and this year is actually laying out a conceptual plan and having people to help market that. That has given a lot more teeth to something that is not just conceptual but purposeful and intended. He referred to the ownership for further details.

Ed Grant, Recker and Warner LLC, property owner, advised that they have solicited significant input from industrial brokers that are very eager to be able to sell this and there will be a very meaningful endeavor to try and make that happen.

Commissioner Cavenee felt the presentation was a great pitch. He heard a few severe challenges as well as positives. He understood the balance and appreciated the dedications and the employment opportunity. He agreed that it would develop as they are able to test the market. He asked for the rationale behind the variance requests.

Mr. Baugh stated it looks heavier than it really is. In reality, most of the deviations affect Parcel A. In a normal world, this type of product would be in a Multi Family-Low category and would not need a deviation. The reason why we are requesting SF-A was to avoid the opportunity of someone coming in and doing multi-family if it is zoned as such. There is a sensitivity to that. The deviations are to build the townhome product, which is the exact same townhome product at Williams Field and Recker, although they are zoned MF-L and we are SF-A. In the Single Family-Detached, we comply with the building setback of 15 feet, although the proposed deviation is for the patio overhang to encroach closer to the property line. Regarding the SF-7, the proposed deviation is to reduce the width of the lot, but in exchange we increased the depth of the lot. Mr. Baugh advised that there can be 2-story in any of the product, although next to non-residential or apartment uses it is supposed to be single story. We are asking for a deviation because there is covered parking and the units are actually 100' or so away from residential. Having 2-story here meets the same intent of the Code, which was to not have apartments looking into the back yards of residential. It was a reasonable request and staff was supportive.

A deviation is being requested for a reduced landscape setback, although if one side is decreased, the other side will be increased in order to have the same total square footage. A 20' landscape setback is being requested instead of 30' because on the other side of the wall, staff asked for more off-street parking and landscaping. Collectively, we have 69 feet, but there is a boundary line that cuts down the middle.

Commissioner Froehlich asked how the additional parking that was requested impacted the open space requirements.

Mr. Baugh stated there were a total of 23 acres of open space. The moment you start adding off-street parking, that will cut into the landscape. We had overdesigned it with substantial landscaping to begin with. To avoid street parking on trash day, the trade-off for us was to provide that safety by putting spaces off the street to improve visibility.

Commissioner Cavenee asked if there were any further comments from staff in regard to the deviations requested or does staff fully support what is being proposed?

Ms. Temes stated at this point, staff is supportive of the recommendation to move forward with this project.

There were no further comments from the Commission and there were no comments or questions from the public. Chair Andersen closed the public hearing.

The second public hearing on this item is scheduled for the October 2, 2019 Planning Commission meeting.

ADMINISTRATIVE ITEMS

4. Thank you to outgoing Planning Commissioners Greg Froehlich and Brian Johns, and Alternate James Torgeson.

Chair Andersen noted this will be the last Planning Commission hearing for Commissioner Greg Froehlich, Commissioner Brian Johns and Alternate James Torgeson, who was absent tonight. He has known Commissioners Johns and Froehlich for quite some time and served with them on the Design Review Board. It has been a pleasure working with them. On behalf of the Commission, Chair Andersen thanked them for the time, effort, and knowledge they put into the Town.

Councilmember Peterson thanked Commissioners Froehlich and Johns, and Alternate Torgeson, for their time on the Commission and hoped to see them doing other great things within our Town. She noted that if the circumstances were different, Brian Johns would have reapplied to the Commission. Councilmember Peterson presented Commissioners Froehlich and Johns with gifts of appreciation on behalf of the Town.

ADJOURNMENT

Chair Andersen adjourned the Special Meeting at 6:50 p.m.

Brian Andersen, Chairman

ATTEST:

Dana Desing, Recording Secretary